

conduct hearings, call witnesses, dismiss appeals with or without prejudice, order the production of documents and other evidence, administer oaths and affirmations, issue subpoenas, order depositions to be taken, take official notice of facts within general knowledge, and decide all questions of fact and law. In discharging its functions, the Board shall provide an expeditious, just, and relatively inexpensive forum for resolving the dispute.

**RULE 10. *Ex Parte* COMMUNICATIONS  
(COMMUNICATIONS OUTSIDE THE RECORD)**

(a) Written or oral communications with a Board member by one party without the participation or notice to the other about the merits of the appeal is not permitted. No member of the Board, or the Board's staff, shall consider, nor shall any person directly or indirectly involved in an appeal, submit any off the record information, whether written or oral, relating to any matter at issue in an appeal.

(b) This rule does not apply to communications among members and staff, nor to communications concerning the Board's administrative functions or procedures.

**RULE 11. NOTICE AND LOCATION OF HEARINGS**

Hearings will be held at such places and at such times determined by the Board to best serve the interests of the parties and the Board. In scheduling hearings, the Board will consider the desires of the parties and the requirement for just and inexpensive determination of appeals without unnecessary delay. The parties shall be given at least 15 days notice of time and place set for hearings.

**RULE 12. CALCULATION OF TIME PERIODS**

If a due date for the filing of any paper under these procedures falls on a Sunday, Saturday, or Federal holiday, then it shall be extended to the next calendar working day.

**PART 1039—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS**

**AUTHORITY:** Section 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 Stat. 1894 (42 U.S.C. 4601) as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, Title IV of Pub. L. 100-17, 101 Stat. 246-256 (42 U.S.C. 4601 note).

**§ 1039.1 Uniform relocation assistance and real property acquisition.**

Regulations and procedures for complying with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Title IV of Pub. L. 100-17, 101 Stat. 246-255, 42 U.S.C. 4601 note) are set forth in 49 CFR part 24.

[52 FR 48017, Dec. 17, 1987; 54 FR 8912, 8913, Mar. 2, 1989]

**PART 1040—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES**

**Subpart A—General Provisions**

Sec.

- 1040.1 Purpose.
- 1040.2 Application.
- 1040.3 Definitions—General.
- 1040.4 Assurances required and preaward review.
- 1040.5 Designation of responsible employee.
- 1040.6 Notice.
- 1040.7 Remedial and affirmative action and self-evaluation.
- 1040.8 Effect of employment opportunity.

**Subpart B—Title VI of the Civil Rights Act of 1964; Section 16 of the Federal Energy Administration Act of 1974, as Amended; and Section 401 of the Energy Reorganization Act of 1974**

- 1040.11 Purpose and application.
- 1040.12 Definitions.
- 1040.13 Discrimination prohibited.
- 1040.14 Covered employment.

**Subpart C [Reserved]**

**Subpart D—Nondiscrimination on the Basis of Handicap—Section 504 of the Rehabilitation Act of 1973, as Amended**

**GENERAL PROVISIONS**

- 1040.61 Purpose and application.
- 1040.62 Definitions.
- 1040.63 Discrimination prohibited.
- 1040.64 Effect of State or local law or other requirements and effect of employment opportunities.
- 1040.65 Procedures.

**EMPLOYMENT PRACTICES**

- 1040.66 Discrimination prohibited.
- 1040.67 Reasonable accommodation.